

UNITED STATES DISTRICT COURT

for the

WESTERN District of TEXAS

United States of America

v.

and

CARLOS JULIAN RUIZ (2)

Case No. SA-23-MJ-00061

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 9-11, 2022 in the county of Bexar in the
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*

Title 18 U.S.C. 2251(a)

Sexual Exploitation of Children

Maximum penalties:

Man Min 25 years; Max. 50 years Lifetime Supervised Release,
\$250,000 fine, \$100 Special Assessment, \$5,000 JVT, Up to \$50,000
18 USC 2259A, Restitution, Forfeiture, Registration as a Sex Offender.

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.MACKENZIE FERGUSON Digitally signed by MACKENZIE FERGUSON
Date: 2023 01.13 12 29:13 -06'00'*Complainant's signature*

Mackenzie D. Ferguson, FBI Special Agent

Printed name and title*Judge's signature*

Richard B. Farrer, U.S. Magistrate Judge

Printed name and title

- ☐ Sworn to before me and signed in my presence.
☒ Sworn to telephonically and signed electronically.

Date: 01/13/2023City and state: San Antonio, Texas

COMPLAINT AFFIDAVIT

I, Mackenzie D. Ferguson, being duly sworn, depose and state that:

1. I am an investigative law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516. I am a Special Agent with the Federal Bureau of Investigation and have been employed by the FBI since June 2010. I served as an FBI Intelligence Analyst from June 2010 through June 2021, first assigned to support investigations into child exploitation matters in 2015. I am currently assigned to the Violent Crimes Against Children Task Force in the FBI San Antonio Field Division. I have received particularized training in the investigation of computer-related crimes, child abductions, online enticement, peer-to-peer computer networking, and online (i.e. Internet based) crimes against children. I have conducted and been involved in numerous investigations of individuals suspected of producing, distributing and receiving child pornography and have participated in the execution of numerous search warrants which have resulted in the seizure of multiple items of child pornography. I have had the occasion to become directly involved in investigations relating to missing or kidnapped children and am familiar with the investigative techniques commonly used to collect evidence in such cases.

2. This affidavit is being submitted in support of an Application for a Criminal Complaint for [REDACTED], date of birth XX/XX/XXXX, a resident of Reading, Pennsylvania, and **CARLOS JULIAN RUIZ**, date of birth XX/XX/XXXX, a resident of Ozona, Texas.

3. On January 9, 2023, FBI Albany conducted a search warrant related to the distribution of child pornography for subject Brandon Whitford. In a post-*Miranda* statement, Whitford revealed he was actively communicating with other sexual abusers of children on Wickr. Whitford reported that Wickr user lost1021fuck was actively sexually abusing an approximately 8-year-old female, and possibly other minor children. Whitford, Wickr user lost1021fuck, and Wickr user luckyduckfuck had been in a Wickr group chat dedicated to the distribution and discussion of child pornography and the sexual abuse of children.

4. Wickr is a mobile messaging application, most commonly used on cellular devices. The Wickr application allow users to exchange end-to-end encrypted and content-expiring messages, including photos, videos, and file attachments. All communications on Wickr are encrypted locally on each device with a new key generated for each new message, meaning that

no one except the Wickr users conducting these conversations have the keys to decipher their content. In addition to encrypting user data and conversations, Wickr strips metadata from all content transmitted through the network.

5. Within the Wickr group chat with Whitford and luckyduckfuck, lost1021fuck shared several images of a minor female, approximately 7- or 8-year-old. One image, recovered by FBI Albany bearing file name IMG_20221203_095235.jpg, depicted the minor female sitting on a toilet, holding an adult male penis with both hands. The minor female's face is clearly visible in the image.

6. Whitford advised lost1021fuck was located in Texas and had invited luckyduckfuck to stay with him and sexually abuse a young female. Luckyduckfuck shared with Whitford, on Wickr, images and videos depicting a toddler female nude in a bathtub. In one image, bearing file name IMG_20221210_232104330_HDR.jpg, a toddler female is pictured nude in a bathtub full of water. The right foot of an adult Caucasian male can be seen resting on the side of the bathtub. A prominent tattoo is visible on the top of the man's foot. Additional images feature a toddler female's nude vagina being opened and displayed to the camera by an adult male hand. One such image bears file name IMG_20221211_092521745.jpg. These images appear to have been taken in a hotel room, based on the features and details captured in the background of the images. Another image from the same series of photos, titled IMG_20221211_105756815.jpg, features a fully clothed toddler female visually similar to the toddler female featured in the bathtub photos. The toddler female in image IMG_20221211_105756815.jpg is standing next to a life-size statue of a longhorn steer in a room that appears to be a lobby of a hotel. The floor of the room has distinctively patterned tile. A coffee station and Christmas tree can be seen in the background of the photograph. The longhorn steer is dressed in a "Santa" style hat and Christmas garlands. A stocking is hung on one of the longhorn steer's antlers.

7. During Whitford's FBI Albany interview, Whitford identified luckyduckfuck as [REDACTED]. Whitford knew [REDACTED] identity due to several CashApp transactions between the two subjects on October 28-29, 2022. [REDACTED] is a registered sex offender as a result of a 2011 charge for the possession of child pornography.

8. On January 10, 2023, FBI Dallas served a federal search warrant in Ozona, Texas, and identified a 7-year-old female, hereafter referred to as Child Victim 1 (CV1), as the same 7-

year-old female pictured holding an adult male penis in image IMG_20221203_095235.jpg. CV1 was forensically interviewed on January 11, 2023, in San Antonio, Texas, and identified the adult male in image IMG_20221203_095235.jpg as “Carlos.” The mother of CV1 was interviewed concurrently and further identified “Carlos” as **CARLOS RUIZ**, a 26-year-old male who was known to CV1’s family. CV1 stated **RUIZ** took images of CV1 using his cellular telephone. The mother of CV1 described **RUIZ**’ cellular telephone as a Samsung Galaxy 22 Ultra, assigned cellular telephone number (XXX) XXX-7373. **CARLOS RUIZ** was fully identified as **CARLOS JULIAN RUIZ**, date of birth XX/XX/XXXX. **RUIZ** is a registered sex offender as a result of a 2013 charge for sexual assault of a child.

9. The mother of CV1 first met **RUIZ** in approximately September 2022, through mutual friends, hereafter referred to as LT and RS. **RUIZ** had known LT and RS for three to four years. LT and RS met **RUIZ** at a party where **RUIZ** expressed an interest in caring for the then-infant child of LT and RS, hereafter referred to as Child Victim 2 (CV2). From that point forward, **RUIZ** routinely babysat CV2, to include overnight trips, including trips to San Antonio, Texas, that could last for one week or more. LT and RS have several additional children, however **RUIZ** almost exclusively cared for CV2, who is now a 3-year-old. The only exception was **RUIZ** occasionally caring for CV2’s 2-year-old younger sister, hereafter referred to as CV3.

10. The mother of CV1 described a conversation she had with **RUIZ** in December 2022 in which **RUIZ** told the mother of CV1 that he took CV2 and CV3 to San Antonio, Texas, for a weekend in December 2022 to view the Christmas lights on the Riverwalk. **RUIZ** told the mother of CV1 that **RUIZ** had a male friend come help him take care of CV2 and CV3, and that the four of them shared a hotel room in San Antonio, Texas, for the weekend.

11. The mother of CV1 was shown image IMG_20221211_105756815.jpg of the toddler female standing next to a longhorn steer statue, shared by [REDACTED] to Whitford. The mother of CV1 identified the toddler as CV3, noting that CV3 was wearing a dress purchased by **RUIZ**.

12. FBI San Antonio identified the hotel as the Home 2 Suites hotel, located at 118 Soledad, San Antonio, Texas. On January 11, 2023, FBI San Antonio confirmed with Home 2 Suites that **RUIZ** booked room 302 at the hotel on December 9-11, 2022. The lobby of the Home 2 Suites, which prominently features a statue of a longhorn steer, matched the lobby of the hotel captured in image IMG_20221211_105756815.jpg. Additionally, room 302 was determined to

contain features and markers, such as wallpaper and tile, identical to the features of the hotel room captured in several of the images shared by [REDACTED]

13. On January 12, 2023, [REDACTED] was arrested by FBI Albany for child exploitation offenses occurring in Albany, NY. During a post-*Miranda* statement, [REDACTED] confirmed he traveled to San Antonio, Texas, from December 9-12, 2022, to meet with **RUIZ** and sexually assault CV3. [REDACTED] stated **RUIZ** booked the Home 2 Suites on the Riverwalk in San Antonio, Texas, for December 9-11, 2022. [REDACTED] booked a separate hotel for December 11-12, 2022, before departing San Antonio, Texas, via airplane on December 12, 2022.

14. FBI San Antonio later confirmed through database records that [REDACTED] left San Antonio, Texas, via airplane and traveled to Newark, New Jersey, on December 12, 2022.

15. [REDACTED] stated that **RUIZ** advised [REDACTED] that 3-year-old CV2 was “off limits,” as CV2 “belonged” to **RUIZ**. **RUIZ** told [REDACTED] that **RUIZ** sexually assaults CV2 on a weekly basis. Therefore, **RUIZ** allowed [REDACTED] to sexually assault 2-year-old CV3. [REDACTED] traveled to San Antonio, Texas, with a video recorder to capture the sexual assault of CV3. During the visit to San Antonio, Texas, [REDACTED] attempted to anally penetrate CV3 with his penis. To facilitate this, [REDACTED] advised he penetrated CV3’s anus with a lubricant, which caused CV3 to cry. Due to CV3’s distress, [REDACTED] was unable to penetrate CV3 with his penis. Instead, [REDACTED] manually masturbated and ejaculated onto CV3. **RUIZ** filmed the interaction between [REDACTED] and CV3 using [REDACTED] video recorder.

16. Following the sexual assault of CV3, [REDACTED] immediately transferred the videos and images produced of CV3 to an encrypted hard drive [REDACTED] brought to San Antonio, Texas. [REDACTED] then destroyed the SD card containing the original images and videos. On January 12, 2023, [REDACTED] provided FBI Albany with the passcode to access the encrypted hard drive which contains the child pornography produced of CV3 which [REDACTED] transported to Albany, NY.

17. Based on the aforementioned facts, your Affiant respectfully submits that there is probable cause to believe that [REDACTED], and **CARLOS JULIAN RUIZ**, did knowingly employ, use, persuade, induce, entice, and coerce a minor to

engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing that such visual depiction will be transported and transmitted using any means and facility of interstate and foreign commerce and in and effecting interstate and foreign commerce and that such visual depiction has actually been transported and transmitted using any means of interstate and foreign commerce and in and affecting interstate and foreign commerce, in violation of Title 18, United States Code, Section 2251(a). Your affiant respectfully requests that the Court issue an arrest warrant based on the information provided in this affidavit.

FURTHER AFFIANT SAYETH NOT,

MACKENZIE
FERGUSON

Digitally signed by MACKENZIE
FERGUSON
Date: 2023.01.13 12:30:09 -06'00'

Special Agent Mackenzie D. Ferguson, FBI
San Antonio, Texas

Sworn to telephonically and signed electronically on January 13, 2023.

THE HONORABLE RICHARD B. FARRER
UNITED STATES MAGISTRATE JUDGE